UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,804	11/18/2003	Margaret Goodwin	MS1-1791US	5203

22801   7590   11/26/2010
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ART UNIT	PAPER NUMBER
2193	

NOTIFICATION DATE	DELIVERY MODE
11/26/2010	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/715,804
Filing Date: November 18, 2003
Appellant(s): GOODWIN ET AL.

Colin D. Barnitz (reg. no. 35061)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/14/10 appealing from the Office action

mailed 2/1/10.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying

by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application: 1,

4 and 6-13.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of

amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter

contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of

rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,742,026	Kraenzel et al.	5-2004
2003/0101445	Li et al.	5-2003
2004/010729	Gamo	6-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4 and 6-12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to

Li et al. (Li).

Claim 1

Kraenzel discloses a computer-readable storage medium having stored thereon an

application framework for developing an application, comprising:

an application object that isolates the application from other applications or

external resources, raises startup and shutdown events for the application, and

manages application windows and resources *(figure 10; column 2, lines 20-28, web*

application);

navigation components that provide navigation functionality by sharing a global

state across a plurality of pages, journaling, journal extensibility, and structured

navigation *(figures 14-21; column 5, lines 11-45, web enabled software)*;

application lifecycle management components that define how the application is

deployed, installed, activated, updated, rolled back, and removed from a computing

system *(figure 10, element 246; figure 11; column 37, lines 38-47; column 39, lines 15-*

32);

a secure execution environment *(col. 5, lines 28-32 "Domino online services (DOLS) 62")* that defines a default set of permissions for the application during execution of the application in the secure execution environment *(col. 5, lines 33-37 "providing iNotes clients with web access using HTTP"; col. 5, lines 39-45 "DOLS 62 provides a layered security model")*, and if the application requires permissions in addition to the default set of permissions *(e.g. col. 39, lines 40-44 "Opening the application offline to make changes to it ... Setting standard synchronization settings, Synchronizing the online and offline versions")*, requiring installation of the application *(col. 39, lines 19-21 "installing the Web application as a subscription on the local machine")*; and

a component that defines a mechanism that allows the application to access common window properties of a hosting environment in a like manner regardless of whether the hosting environment is a browser or a standalone window environment *(column 39, lines 33-38, integrated into Windows, multiple offline subscriptions, thus for both browser and standalone; col. 21, lines 9-10 "offline access provides an end user with just about all the capabilities of the online Web application")*; and

specifies a subset of components of the application as offline *(col. 40, lines 53-56 "tools in ... offline contexts")* and a third subset of components of the application as online *(col. 40, lines 53-56 "tools in ... online ... contexts")*, with the offline and third subsets of components of the application differing *(col. 40, lines 53-56 "tools in both online and offline contexts"; note the context distinction meets the broadly claimed*

'differing'; also see col. 41, lines 15-19 "subscriptions 202 which the user has taken

offline").

Kraenzel does not disclose a fist subset of components as required and a second

subset of components as on-demand.

Li teaches a manifest *(par. [0046] "the list of modules downloaded in operation 146 of*

Fig. 3") that further identifies offline applications *(i.e. applications to be stored on a*

client) as a first subset of components of the application as required *(par. [0046]*

"application 160 core modules"), a second subset of components of the application as

on-demand *(par. [0046] "non-core modules"; note these modules are "downloaded and*

installed when needed" and thus constitute 'on-demand' applications see par. [0048]),

wherein the second subset of components being drizzle-downloaded in the background

as a user interacts with the application *(par. [0053] "the modules enabling feature*

functionality may also be downloaded in the background prior to being requested"),

wherein when a specific component of the second subset of components is requested

the second subset of components and is downloaded on-demand while the remaining

components are drizzle-downloaded in the background *(par. [0060] "if the module*

requested is not the module being downloaded ... the current download is suspended in

operation 240 ... operation 242 where the requested module is downloaded ...

operation 246 where the thread for the suspended download is resumed"; Fig. 10, 240-

242; par. [0053] "the modules ... may also be downloaded in the background").

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide a manifest including **Li**'s additional subsets of components *(e.g.*

Fig. 4 Core and Non-core modules) as part of **Kraenzel**'s distribution *(col. 39, lines 24-*

28 "Sync Manager utility … Files needed for working offline in a secure environment …

are also downloaded") and to drizzle download any on-demand (i.e. Non-Core)

components. Those of ordinary skill in the art would have been motivated to do so in

order to provide a user with more immediate access to the core application components

*(**Li** par. [0038] "a method and an apparatus for providing timely downloading via the*

*Internet of applications"; **Kraenzel** col. 11, lines 53-59 "files are transferred to client 200*

… over line 309, which … may be a slower, network connection.").

Claim 4

Kraenzel discloses a computer-readable storage medium

as recited in claim 1, wherein the application framework further includes components

that define the behavior of windows associated with the application *(figures 14-21,*

evidenced by the windows shown).

Claim 6

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein

the component that provides navigation functionality comprises a NavigationApplication

object *(column 5, line 10, the online services model)*.

Claim 7

Kraenzel discloses a computer-readable storage medium as recited in claim 6, wherein

the NavigationApplication object identifies an initial resource to which the application

navigates when launched *(figures 14-21, the resources launched; e.g. col. 19, lines 46-*

53 "Application Page 238").

Claim 8

Kraenzel discloses a computer-readable storage medium as recited in claim 7, wherein

the NavigationApplication object further includes navigation related events that are fired

in response to the occurrence of a navigation *(figures 14-21, as items are selected*

some event must correspond; column 5, lines 11-45, various elements of software).

Claim 9

Kraenzel discloses a computer-readable storage medium as recited in claim 7, wherein

the NavigationApplication object further comprises a Properties collection in which is

stored state information about the application *(column 12, lines 1-5; column 12, line 62*

to column 13, line 9).

Claim 10

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein

the component that provides journaling and journal extensibility comprises a Journal

object *(col. 10, lines 52-60 "The Subscription window 263 ... contains the following*

information about each subscription: ... Subscription URL 281 ... Last synchronization

time 283 ...").

<u>Claim 11</u>

Kraenzel discloses a computer-readable storage medium as recited in claim 1, wherein

the navigation framework further comprises a NavigationWindow component associated

with the application and that persists across navigations *(figures 14-21, column 5, lines*

11-45).

<u>Claim 12</u>

Li teaches a computer-readable storage medium as recited in claim 1 wherein the first

subset of components are minimum code for the application to rune in the hosting

environment *(par. [0052] "the main class containing the entry point is mapped in to the*

core module").

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to Li et al. (Li) in view

of US 2004/0107291 to Gamo (Gamo).

<u>Claim 13</u>

Kraenzel and **Li** do not explicitly teach a computer-readable storage medium as recited in claim 1 wherein the third subset of components are stored in transient cache.

Gamo teaches storing online components in transient cache (par. [0068] "the cache can be used").

It would have been obvious to one of ordinary skill in the art at the time the invention was made store the online applications *(col. 40, lines 53-56 "tools in ... online ... contexts")* in a transient cache *(Gamo par. [0068] "the cache can be used")*. Those of ordinary skill in the art would have been motivated to do so in order to reduce download times and thus execution speed *(Gamo par. [0068] "the cache can be used, and thus the download from the server can be partly omitted when the program is executed at the next time")*.

(10) Response to Argument

A. Rejection of Independent Claim 1 under 35 USC §103(a)

1.   On pp. 8-10 the appellant argues that the Office has failed to point to any portion of the cited documents that teaches or suggests:

> a secure execution environment that defines a default set of permissions for the application during execution of the application in the secure execution environment, and if the application requires permissions in addition to the default set of permissions, requiring installation of the application;

The appellant argues that Kraenzel fails to teach this limitation because:

merely downloading files for working offline, as described by Kraenzel, does not
teach or suggest "a default set of permissions for ... the secure execution
environment," or that "if the application requires permissions in addition to the default
set of permissions, requiring installation of the application
(see par. bridging pp. 9 & 10).

The examiner respectfully disagrees. The cited passage of Kraenzel discloses more

than "merely downloading files for working offline". It discloses moving execution of the

application from a first environment (an "on-line" environment, discussed e.g. at col. 5,

lines 10-45) to a second environment (the "off-line" environment", discussed e.g. at col.

39, lines 15-60) by installing the application (col. 39, lines 19-21 "installing the Web

application as a subscription"). The cited passage also discloses that the move provides

the application with added permissions that were not available, by default, in the on-line

environment (e.g. access to the subscription database, see col. 12, lines 46-48 "a

collection of off-line applications with which authorized users may interact at client

100").

More specifically, Kraenzel discloses the application executing in an "on-line"

secure environment (e.g. col. 5, lines 28-32 "Domino online services (DOLS) 62"). This

is the execution environment used prior to an installation to the local machine

(discussed below) and provides a secure execution environment with a default set of

permissions (e.g. col. 5, lines 33-37 "providing iNotes clients with web access using

HTTP"; col. 5, lines 39-45 "DOLS 62 provides a layered security model").

The cited portion of Kraenzel (col. 39, lines 15-45) discloses "installing the Web

application as a subscription on the local machine (client)" and that doing so allows a

user to "work[] offline in a secure environment and for managing synchronization".

Kraenzel further discloses that this secure environment provides permissions not

available otherwise (e.g. col. 39, lines 40-44 "Opening the application offline to make

changes to it ... Setting standard synchronization settings, Synchronizing the online and

offline versions"). Accordingly, it should be seen that "if the application requires [these

additional] permissions" the application must be installed in Kraenzel's "secure

environment" (e.g. col. 39, lines 19-21 "installing the Web application as a subscription

on the local machine"). Thus Kraenzel meets the claimed "if the application requires

permissions in addition to the default set of permissions, requiring installation of the

application".

Further, the breadth of the claim language should be mentioned. Specifically the

limitation in question recites:

> a secure execution environment that defines a default set of permissions for the
> application during execution of the application in the secure execution environment,
> and if the application requires permissions in addition to the default set of
> permissions, requiring installation of the application;

This language does not require any particular details for the "default set of permissions".

Only that it be, in some ways, smaller than the set of "permissions" available after

installing. As discussed above Kraenzel's transition from "on-line" execution to "off-line"

execution provides the recited "permissions in addition to the default set" (e.g. access to

the off-line subscription database). Thus, it should be seen that Kraenzel discloses "a

secure execution environment that defines a default set of permissions (e.g. col. 5, lines

28-45 "DOLS 62"), and that when the application requires permissions in addition to the

default set (e.g. col. 39, lines 40-44) the application must be installed (col. 39, lines 15-

45 ""installing the Web application as a subscription on the local machine (client)").

Additionally see col. 41, lines 3-10 which may more clearly disclose this

functionality:

> The web synchronization control 241 provides a convenience interface to <u>commands normally available</u> (subset of commands) from service manger 218. It allows the user to select and see a pop up menu with options to synchronize now, go online or go offline, and install subscription and subscription properties. <u>Selecting install brings up a service manager user interface for extended alteration of properties for subscriptions</u>.
> (emphasis added)

Here "commands normally available" describes the "default set of permissions" and

installing the application allows for "extended [i.e. additional] alteration of properties".

2.   On pp. 10-15, the appellants argue that the Office has failed to point to any

portion of the cited documents that teaches or suggests:

> wherein the second subset of components being drizzle-downloaded in the background as a user interacts with the application, wherein when a specific component of the second subset of components is requested, the specific component takes precedence over remaining components of the second subset of components and is downloaded on-demand while the remaining components are drizzle-downloaded in the background.

The examiner respectfully disagrees with the appellants' characterization of the claim.

Specifically, in the par. bridging pp. 12 and 14, the appellants argue:

> The cited portion of Li describes that "if the module requested is not the module being downloaded...the current download is suspended" (par. 0060). More specifically, the downloading of a module M3 is **suspended** such that a module M4 may be downloaded without competing with M3 for bandwidth (par. 0060). On the other hand, Appellant's Claim 1 recites "the specific component takes precedence over remaining components...and is downloaded on-demand **while the remaining components are drizzle-downloaded in the background**" (emphasis added). Li does not describe the module M4 being downloaded on demand while module M3 is downloaded in the background. Further, Li teaches away from module M4 being downloaded on demand while module M3 is downloaded in the background by advocating **suspending** downloading of module M3.

From this it appears that the appellants are asserting a claim scope requiring that both

"on-demand" and "drizzle downloaded" component be downloaded at the same time.

This is distinct from how those of ordinary skill in the art would interpret the claim

language.

While the appellants' specification does not provide an explicit definition of

"drizzle-downloading", those of ordinary skill in the art would have understood that

"drizzle-downloading" describes a download process in which processing power not

currently being used by the running application is allotted for downloading the various

components in the background. More specifically those of ordinary skill in the art would

have understood that "drizzle-downloading" does not require two components to be

downloaded simultaneously but using different proportions of the available bandwidth,

as the appellant appears to argue.

It is the examiner's understanding that the term "in the background" refers to the

"background" of the user application and not the background of the download with the

higher precedence (see e.g. appellants' specification, pg. 9, lines 13-14 "As the user

interacts with the application 210, the resources … are drizzle-download [sic] in the

background"). Further, the term "takes precedence" would have been understood as

broadly synonymous with "comes first". In other words when one download "takes

precedence" over another, that download "comes first" or before the other download

and not at the same time.

Looking to the appellants' specification, it can be seen that drizzle-downloading is

mentioned only once at pg. 9, lines 13-23 which state:

As the user interacts with the application 210, the resources designated as
OnDemand are drizzle-download in the background. When the user requests a
specific resource, e.g., by clicking a hyperlink, that resource takes precedence over
the other resources that are drizzling down in the background and is downloaded on
demand. As additional OnDemand resources are downloaded, they're stored in the
application cache 260 as well. Resources that are designated as Online resources
are stored in the transient cache 250. As resources are downloaded, the next time
they're requested, they're retrieved from the application cache 260. Once the
application 210 has been fully installed on the client computer 201, it may be
navigated to in the browser or invoked from the shell, but it is always launched
locally from the client computer 201.

To adequately support the appellants' asserted interpretation, the specification would

need to provide, at least, some discussion of the relative proportions of bandwidth use

which constitute "taking precedence". Instead the term is left broad and is reasonably

understood to include situations where the download of one component is suspended to

allow a second, higher precedence, component to be downloaded. Accordingly, Li's

disclosure that "the current download is suspended in operation 240 [and in] operation

242 the requested module is downloaded" (see e.g. par. [0060]) teaches the claimed

limitation.

In the first full par. on pg. 14, the appellants state:

Moreover, Li describes "the modules enabling feature functionality may also be
downloaded in the background prior to being requested by the user in another
embodiment" (par. 0053). However, Li does not describe the modules as being on-
demand modules, much less a specific module taking priority over remaining
modules when the specific module is requested, and downloaded on-demand while
the remaining modules are drizzle-downloaded in the background. ...

The examiner respectfully disagrees. This is exactly what Li is disclosing.

Although Li does not use the term "on-demand", it should be clear that Li's components

are immediately downloaded when a user "demands" them (e.g. par. [0060] "operation

242 where the requested module is downloaded"; par. [0048] "modules are downloaded

and installed when needed"). The fact that these modules *may* be (drizzle) downloaded

ahead of the request conforms to what is disclosed in the specification (e.g. pg. 9, lines

13-23 "the resources designated as OnDemand are drizzle-download in the

background.") and thus is not distinct from the scope recited by the claim.

B. Rejection of Dependent Claim 4, 6-9, 11 and 12 under 35 USC 103(a)

The appellants do not provide additional arguments against these rejections, instead

only referring to the arguments addressed above in conjunction with claim 1.

C. Rejection of Dependent Claim 10 under 35 USC 103(a)

On pg. 16, the appellants argue that the Office has failed to cite any portion of Kraenzel

that teaches or suggests a navigation component that provides journaling, asserting in

the first par. on pg. 16 that:

> … Claim 10 includes "wherein the component that provides journaling and journal
> extensibility comprises a Journal object." Further, Claim 10 depends form Claim 1,
> which recites "navigation components that provide…journaling." Consequently,
> Appellant's journaling is provided by a Journal object that is a navigation component.

The examiner respectfully disagrees. At col. 10, lines 52-60 Kraenzel discloses:

"The Subscription window 263 … contains the following information about each

subscription: … Subscription URL 281 … Last synchronization time 283 …". Thus it

should be seen that Kraenzel discloses objects that provide navigation functionality

("Subscription URL 281") and Journal functionality ("Last synchronization time 283").

Further this "global state" (i.e. state of each subscription) is shared "across a plurality of

pages" in that it is provided in the Service manager regardless of the particular page

that is being viewed.

D. Rejection of Dependent Claim 13 under 35 USC 103(a)

The appellants do not provide additional arguments against this rejection, instead only

referring to the arguments addressed above in conjunction with claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jason Mitchell/

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